

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 158

SENATE BILL 1181

AN ACT

AMENDING SECTION 41-3451, ARIZONA REVISED STATUTES; RELATING TO THE
AUTOMOBILE THEFT AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-3451, Arizona Revised Statutes, is amended to
3 read:

4 41-3451. Automobile theft authority; powers and duties; fund;
5 audit

6 A. An automobile theft authority is established consisting of the
7 following members:

8 1. Two police chiefs who are appointed by the Arizona chiefs' of
9 police association, one of whom represents a city or town with a population
10 of one hundred thousand or more persons and one of whom represents a city or
11 town with a population of less than one hundred thousand persons, OR THEIR
12 DESIGNEES.

13 2. Two sheriffs who are appointed by the Arizona sheriffs'
14 association, one of whom represents a county with a population of five
15 hundred thousand or more persons and one of whom represents a county with a
16 population of less than five hundred thousand persons, OR THEIR DESIGNEES.

17 3. Two county attorneys who are appointed by the governor, one of whom
18 represents a county with a population of ~~five hundred thousand~~ ONE MILLION or
19 more persons and one of whom represents a county with a population of less
20 than ~~five hundred thousand~~ ONE MILLION persons, OR THEIR DESIGNEES.

21 4. Two employees of insurers who are licensed to write motor vehicle
22 liability insurance in this state and who are appointed by the governor.

23 5. Two members of the general public who are appointed by the
24 governor.

25 6. The assistant director for the motor vehicle division in the
26 department of transportation or the assistant director's designee.

27 7. The director of the department of public safety or the director's
28 designee.

29 B. Members serve staggered four year terms beginning and ending on the
30 third Monday in January. At the first meeting each year, the members shall
31 select a chairman from among the members. The authority shall meet at the
32 call of the chairman or seven members.

33 C. The authority may:

34 1. Hire staff members as necessary, including an executive director.
35 The executive director's annual compensation shall not be more than
36 seventy-five thousand dollars.

37 2. Provide work facilities and equipment as necessary.

38 3. Determine the scope of the problem of motor vehicle theft,
39 including particular areas of the state where the problem is greatest.

40 4. Analyze the various methods of combating the problem of motor
41 vehicle theft.

42 5. Develop and implement a plan of operation.

43 6. Develop and implement a financial plan.

44 7. Solicit and accept gifts and grants.

1 8. Report by December 31 of each year to the governor, the president
2 of the senate, the speaker of the house of representatives, the secretary of
3 state and the director of the Arizona state library, archives and public
4 records on its activities during the preceding fiscal year.

5 ~~9. Report by December 31 of each year to the automobile theft~~
6 ~~authority committee on the authority's programs, the success of the programs,~~
7 ~~the authority's source of funding and the impact motor vehicle theft~~
8 ~~prevention programs have had on motor vehicle insurance costs.~~

9 D. If the chairman of the authority knows that a potential ground for
10 the removal of a member of the authority exists under this subsection, the
11 chairman shall notify the governor. The governor shall remove the member if
12 the governor finds that any of the following applies:

13 1. The member was not qualified to serve at the time the member was
14 appointed.

15 2. The member does not maintain the member's qualifications to serve.

16 3. The member cannot discharge the member's duties for a substantial
17 part of the term due to illness or other disability.

18 4. The member is absent from more than one-half of the regularly
19 scheduled meetings during a calendar year unless the member's absence is
20 excused by a majority vote of the authority.

21 E. The automobile theft authority fund is established consisting of
22 any public or private monies that the authority may receive. The automobile
23 theft authority shall administer the fund. Subject to legislative
24 appropriation, monies in the fund shall only be used to pay the expenses of
25 the authority and to carry out the purposes of this section. Monies in the
26 fund are exempt from the provisions of sections 35-143.01 and 35-190 relating
27 to lapsing of appropriations. On notice from the authority, the state
28 treasurer shall invest and divest monies in the fund as provided by section
29 35-313, and monies earned from investment shall be credited to the fund.

30 F. The authority may accept nonmonetary contributions, including the
31 services of individuals, office and secretarial assistance, mailings,
32 printing, office equipment, facilities and supplies, that are necessary to
33 carry out its functions. The nonmonetary contributions shall not be included
34 in the costs of administration limitation prescribed by subsection H of this
35 section.

36 G. The automobile theft authority shall allocate monies in the fund to
37 public agencies for the purpose of establishing, maintaining and supporting
38 programs that are designed to prevent motor vehicle theft, including:

39 1. Financial support to law enforcement and prosecution agencies for
40 programs that are designed to increase the effectiveness of motor vehicle
41 theft prosecution.

42 2. Financial support for programs that are designed to educate and
43 assist the public in the prevention of motor vehicle theft.

44 H. The costs of administration shall not exceed ten per cent of the
45 monies in the fund in any one year so that the greatest possible portion of

1 the monies available to the authority is expended on combating motor vehicle
2 theft.

3 I. Monies expended from the automobile theft authority fund shall be
4 used to supplement, not supplant, other monies that are available for motor
5 vehicle theft prevention.

6 J. Each insurer issuing motor vehicle liability insurance policies in
7 this state shall pay a semiannual fee of fifty cents per vehicle insured
8 under a motor vehicle liability insurance policy issued by the insurer. The
9 fee shall be fully earned and nonrefundable at the time the insurer collects
10 the premium for the motor vehicle liability insurance policy. Each insurer
11 shall transmit the fee on or before January 31 and on or before July 31 of
12 each year to the automobile theft authority for deposit in the automobile
13 theft authority fund. The payment due on or before January 31 shall cover
14 vehicles insured under policies that are issued during the period from July 1
15 through December 31 of the previous year. The payment due on or before July
16 31 shall cover vehicles insured under policies that are issued during the
17 period from January 1 through June 30 of the same year.

18 K. The authority shall cause an audit to be made of the automobile
19 theft authority fund. The audit shall be conducted by a certified public
20 accountant every two years. The authority shall file a certified copy of the
21 audit with the auditor general immediately. The auditor general may make
22 further audits and examinations as the auditor general deems necessary and
23 may take appropriate action relating to the audit pursuant to chapter 7,
24 article 10.1 of this title.

25 L. Authority members are not eligible to receive compensation but are
26 eligible for reimbursement of expenses pursuant to title 38, chapter 4,
27 article 2.

28 M. This section does not apply to vehicles or vehicle combinations
29 with a declared gross weight of more than twenty-six thousand pounds. Motor
30 vehicle liability insurance policies issued in this state for vehicles or
31 vehicle combinations with a declared gross weight of more than twenty-six
32 thousand pounds are exempt from subsection J of this section.

APPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.